

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, March 20, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, March 20, 2003, at 3:00 p.m., Police Headquarters, 1300 Beaubien – Rm. 328, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Megan P. Norris **(ABS)**
Willie E. Hampton **(ABS)**
Erminia Ramirez
Edgar L. Vann, Jr.
Arthur Blackwell, II

Department Personnel Present

DC Ronald Haddad
DC Gary Brown
Insp. Willie McClure
Sgt. Debbie Jackson
Sgt. Bennett
PO Suzette Reed
PO Derrick Royal, DPOA
3rd DC Tara Dunlop
Civ. Patrice Woodward
Atty. Nancy Ninowski

Board Staff Present

Dante L. Goss, Exec. Director
Denise R. Hooks, Atty./Supv. Investigator
Arnold Sheard, Interim Chief Investigator
Ainsley Cromwell, Supervising Investigator
E. Lynise Bryant-Weekes, Personnel Director

OTHERS PRESENT

Phillip Craccioholio
Mari Hadley
Ron Scott
Ms. Walters
Star Ellen Carter
Kim Harris
DPOA Atty. Thomas Zulch

RECORDERS

Jerome Adams
Felicia Hardaway

1. CALL TO ORDER

Comm. Vann called the regular meeting of the Detroit Board of Police Commissioners to order at 3:18 p.m.

2. APPROVAL OF MINUTES

Comm. Vann stated the Minutes from March 13, 2003, will be tabled until the next Board meeting, because we do not have quorum. We had a computer glitch, this week and we have been unable to produce all of the proper documents for today's meeting, I believe the staff apologizes and they are going to see that they make up for it later.

3. REPORT FROM THE CHAIR

There was no report from the Chair.

4. SECRETARY REPORT – EXEC. DIR. GOSS

CITIZEN COMPLAINTS RECEIVED

| | <u>This Week</u> | <u>Year to Date</u> |
|-------------------------------------|-------------------------|----------------------------|
| Weekly Count of Complaints: | 26 | 224 |
| Weekly Count of Allegations: | 43 | 384 |
| Arrest | 2 | 20 |
| Demeanor | 15 | 119 |
| Entry | 0 | 6 |
| Force | 3 | 29 |
| Harassment | 0 | 17 |
| Procedure | 15 | 118 |
| Property | 5 | 24 |
| Search | 0 | 17 |
| Service | 3 | 34 |

Pending Cases

As of March 14, 2003, the Office of the Chief Investigator (OCI) has a total of **232** pending cases, which include **182** cases with an age of 0-45 days, **41** cases with an age of 46-60 days, and **9** cases with an age of 61-90 days.

From the year 2002, OCI has **193** pending cases and from the year 2001, OCI has **16** pending cases.

2002

| | | | |
|------------------------------|-----------|----------------------|------------|
| During the past week: | 28 | Year to Date: | 208 |
|------------------------------|-----------|----------------------|------------|

Comm. Vann asked what is the average time for pending cases, so that we could know how we are doing?

Exec. Dir. Goss stated the average time is about 75 days?

Comm. Vann asked is that graced upon this or is that the goal?

Exec. Dir. Goss stated the goal is 45 days per the Charter?

Comm. Vann asked does the Charter speak specifically to that?

Exec. Dir. Goss stated it speaks 45 days for a complete investigation.

Comm. Vann asked are a majority of our cases within that compliance?

Exec. Dir. Goss stated yes.

Comm. Vann stated thank you.

Exec. Dir. Goss stated Mr. Zulch is here to discuss Officer Covington's suspension without pay from last Thursday's meeting.

DPOA Atty. Zulch stated it is my understanding there was a request for suspension without pay in regards to Police Officer Lawrence Covington last Thursday. I was given permission today, to come and argue that suspension. Based upon the reading of the suspension request, this case is obviously weeks, if not months old. There are indications that what was obtained and that blood results were received that indicates to me that it is probably at least a month old. In the request there is no indication that there are pending criminal charges. There is indication that he was arrested, but there was no indication that he was ever arraigned on any of the charges. The Department recognizes that

alcoholism as a disease, which may or may not apply to Officer Covington's situation, but clearly should be explored by the Department through evaluation through their Professional Accountability. At this point, it is wrong for the Department to cut an officer off from his pay and his benefits and support from the Department without complete investigation and without Officer Covington having a chance to defend himself in a discipline hearing and at the very least, letting his story be told. It is also premature under the circumstances that the current Chief has not been placing officers in similar situations as Officer Covington of an OUIL arrest of placing them or trying to fire them from the Department. There have been several cases over the last nine months, where there is just suspensions giving out through the discipline process and I assume that is to continue and therefore there should not be a suspension without pay without a fair hearing for this officer. Thank You.

Atty. Nancy Ninowski stated she is here on behalf of the Department. This is the Department's petition to suspend Officer Covington without pay. Typically, suspensions without pay are reviewed on a case by case basis. I think that the facts are particularly important in this case. The date was February 27, 2003, so it was this year, weather conditions were cold, but not snowing. Officer Covington was southbound on John R. approaching Seven Mile Road on a red light, he ran through that red light, striking vehicles that were proceeding westbound and eastbound on Seven Mile Road. Officer Covington was transported to the hospital, as was one of the individuals of the vehicle that he struck. There was alcohol found in Officer Covington's vehicle, there was an open container of alcohol and a closed container of alcohol and a firearm. Officer Covington's duty status at that time was suspended without pay, he had no authority to carry a firearm. The Department's position is that this is egregious behavior. If you look at the Gregory Star arbitration, the Gregory Star arbitration tells you, that you define egregious behavior by asking yourself a basic question, and that question is "Does the officer's conduct conflict with his or her role as a police officer?" The Department's position in this case is, yes it does. Officer Covington's actions on February 27, 2003, go to the very heart to the very core of what a police officer's function is and that public safety. On February 27, 2003, Officer Covington showed an absolute disregard for public safety. I should backup and say, initially when Officer Covington was transported to the hospital the initial blood screen showed an alcohol level of .098 and that is impaired under Michigan law. In any event, Officer Covington showed a complete disregard for public safety on February 27 and he showed a complete disregard for the rules and regulations of the police department and that he had a firearm in his possession and he had no authority to possess a firearm. **(1)** The impact of Officer's Covington behavior on the Department is egregious, **(2)** The Department has no faith and has no trust in Officer Covington's actions and for those reasons he should be suspended without pay. **(3)** Most importantly the impact of Officer Covington's conduct on this community. In order for policing to be effective you have to have the confidence and the trust

of the people of this community and you don't have that when officers conduct themselves in a manner, in which Officer Covington did, if the Department takes no action on his conduct. The Department would request that the suspension without pay petition not be contravened. Thank You.

Comm. Vann stated we are not in position to do that yet, we are just going to take it under advisement today. He also acknowledged the presence of PO Derrick Royal the Vice President of DPOA.

PO Derrick Royal stated he came here today to ask the Board to reconsider an action they took in regards to a suspension without pay on January 30, 2003, about the ten officers from the Tactical Services Section. It was in regards to a chase that was allegedly called off and the officers allegedly continued the chase and there was an accident, in which one of the vehicle was killed, I believe someone was killed and if I'm not mistaken. The reason why I am asking you to reconsider your actions on January 3^{0th} because it took the department several months to do their investigation and there were no criminal charges ever brought showing that any of the other officers did anything criminally wrong.

Since the time that you have suspended them without pay, the Department has not brought them to any Departmental Hearings and the reason that I think that is Really a miscarriage is because they had 4 months prior to suspending the officers, to do whatever investigation they thought needed to be done. At the time they suspended them those investigations should have been done and we have requested on several occasions that these officers be taken to a Chief's Hearing so that we can get the process moving and that has not been done at this point.

We think that it is really harsh as to what they are doing, because the officers have no where else to go to make the process move, until the Department decides that they are done with whatever they should have done four months ago, when these officers were still working and they were doing their investigations and submitting those investigations to the Prosecutor's Office to see if a warrant was going to be signed.

I would also like to bring to your attention, that there were ten officers suspended only five of those officers were driving vehicles, the other officers were passengers. I don't know that the passengers could have stop their partner from doing whatever it was that they did. I also understand that the car that was involved in the accident, one of the reasons why there was no warrant issued was because the passenger in that vehicle told his partner that we should stop because the chase has been called off, but nevertheless, that officer has been suspended without pay. I think for those reasons that the Board should take a look at that suspension without pay of those officers, to see if they can't find in their heart not to only bring back the officers that were passengers, but to bring

back the officers that were drivers, because the Department has failed to move forward. These officers are being punished more because the Department has failed to move forward with their charges and there are no Department charges that have been levied yet.

Comm. Vann stated I will take those comments under advisement as well.

Atty. Ninowski stated **(1)** The Department responded to oral arguments on January 30, 2003, **(2)** The Internal Affairs investigation has been completed and turned over to Disciplinary for charging and the appropriate form, which I assume would be a Chief's Hearing.

Comm. Vann asked could you address the issue that was raised with regard to the culpability of the passengers in the cars, as opposed to the drivers? What recourse does that other officer have?

Atty. Ninowski stated that is one of many issues that the officers in the passenger seat face, the only issue is that they didn't stop the chase or their partner from stopping the chase. There are many other things that are attached to that. If you want me to address the officers that were in the passenger seat, just limited to that issue of why didn't they stop. Our position is that they act independently, that they had the ability to pick up the microphone and tell dispatch, "Tell their supervisor, my partner is not abiding by the termination order that was given."

Comm. Vann asked are you stating that, there are possibly, for the other five officers in question, extenuating issues over and beyond the fact that they just happened to be in the car at that particular time.

Atty. Ninowski stated correct.

5. CHIEF'S REPORT/PRESENTATION

DETROIT POLICE DEPARTMENT MIND'N OUR BUSINESS

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of March 12th-18th, 2003:

ORGANIZED CRIME AND GANG DIVISION

The Conspiracy Intelligence, Gang Enforcement, North-West, and Vice Sections conducted Eight enforcement actions that resulted in (34) misdemeanor arrests. These enforcement actions resulted in the confiscation of 81.3 grams of cocaine, 2 grams of heroin and 499,066 grams of marijuana with a total street value of \$2,032,384.00. \$7,660.00 in U.S. currency and 17 vehicles were confiscated from these enforcement actions.

SEVENTH PRECINCT

On Sunday, March 16, 2003, officers of the Seventh Precinct/Harbormaster Unit, responded to a police run, "Person just jumped off the Belle Isle Bridge." The officers rushed to the location under the bridge where they observed a male in the river. The subject was refusing to use the lifesaver that was being thrown to him. He stated he just wanted to kill himself. However, as a result of the officers' quick response and negotiation, he was rescued. Medics arrived at the scene and conveyed the subject to Detroit Receiving Hospital, Crisis Center for treatment.

COMMERICAL AUTO THEFT UNIT (CATU)

On March 12, 2003, members of CATU received information that a resident in the 18000 block of Fielding was chopping and retagging stolen vehicles. On March 14, 2003, members of CATU set up surveillance at the location. As a result of their investigation, two subjects were arrested and charged with Receiving and Concealing Stolen Property. In addition, several stolen vehicles and parts were recovered.

Chief of Police Jerry A. Oliver, Sr.

DC Ronald Haddad stated we would like to encourage citizens to attend a homeland Security Town Hall Meeting with Mayor Kwame Kilpatrick. The meeting will be held on Monday, March 24, 2003, between 7:00 to 8:30 p.m. at the Michigan State Fairgrounds in the Hudson Auditorium, which is located at Eight Mile and Woodward. The Mayor will have a two-way conversation with the citizens and give them information about to do with a red alert.

Comm. Vann stated I am concerned about the health care systems in the City because I don't think that they are prepared to deal with biochemical issues.

6. OTHER BUSINESS

There was no other business.

7. ORAL COMMUNICATIONS FROM THE AUDIENCE

Star Ellen Carter stated when I met with Comm. Norris the other day, it was discovered that the OCI investigators never submitted statements and documents from witness's to the Board of Police Commissioners.

Comm. Vann stated since the Chairperson has talked to you privately, we are familiar with the circumstances surrounding the case and we have heard it several times. The Board would like to see some action. I don't want to regurgitate the story over and over again. He asked Interim Chief Inv. Sheard to address if we were ever given this information.

Interim Chief Inv. Sheard stated the files or the statements that she is making reference to would not be included in a file that is in a closed state. Those informational pieces will remain in the Office of the Chief Investigator, so that would not necessarily be a portion of the filed that is reviewed by a Commissioner reading case. However, if she needs to review that information she may come to my office and that those cases were investigated and closed by Inv. Eberhart, who is no long with us.

Comm. Vann asked could the two of you go in the hallway and talk right now and tell him what is exactly going on? I would like to see both of you get together. Let's bring some resolve to your issues.

Ms. Carter asked how do I go about getting an independent investigator?

Comm. Vann stated I don't know who that would be, you might have to get your own private detective.

Ms. Carter would you have OCI reveal all information that is pertinent to the Board of Police Commissioners?

Comm. Vann stated I give you my word we will meet with Chief Inv. Sheard after this meeting to give us a report.

Kim Harris voiced her concern about tours being given on the 6th Floor, where Communications Operations Section is located because it is a secured floor and that she is not notified by her supervisor in a reasonable time.

Comm. Vann asked who authorized the tour?

DC Haddad stated I am not aware of the tour.

Comm. Ramirez asked I thought a supervisor was notified about the tours?

Ms. Harris stated they are notified, but because of security measures, how do we know these people are who they say they are.

3rd DC Dunlop stated Corporate Communications frequently brings students on tours from different locations from around the area. She asked Ms. Harris, Did we not give you a call when the tour was conducted?

Ms. Harris stated we are not notified until the tour is on the floor.

Comm. Vann asked is diligent security done when there are visitors?

3rd DC Dunlop stated yes.

Comm. Vann asked do they go through the metal detectors?

3rd DC Dunlop stated yes.

Mari Hadley voiced her concern that the Police Chief, who has over 30 years of experience of a police officer, does not know proper protocol for obtaining a PCR. I would like the Commissioners to assist me in obtaining this or any documentation that says why I can't get a PCR.

Comm. Vann asked DC Brown to address this issue.

DC Brown stated I believe you spoke with Sgt. Smith this morning. He asked was he rude to you on the phone?

Ms. Hadley stated no, he was not rude.

DC Brown asked did he explain that there is an ongoing investigation going on at this time?

Ms. Hadley stated yes. However, I would like documentation from DPD Policy and Procedures Manual that states the protocol that when there is an investigation as far as citizens receiving documentation.

DC Brown stated I will make sure she gets that information, even if I have to have it delivered to her house.

Comm. Vann stated because it was promised directly from the Chief.

Ms. Hadley asked could the Board look into having an independent record keeping division separate from the DPD, so that the documents could be kept in their truest form.

DC Brown stated we just purchased a record management system and we are waiting for it to arrive shortly.

Phillip Cracciholio stated I read a newspaper article stating that different cities were contemplating on bringing retired officers into their city to act as some kind of police force or backup.

Comm. Vann stated I doubt if that will ever happen in Detroit.

8. ANNOUNCEMENT OF NEXT MEETING

Thursday, March 27, 2003 @ 3:00 p.m.
Police Headquarters
1300 Beaubien, Rm. 328-A
Detroit, MI 48226

9. ADJOURNMENT

Meeting was adjourned at 3:55 p.m.

Respectfully Submitted,

DANTE L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw